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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/609,102

06/30/2003

Krishna Rao Boyapati

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6147 7590 10/22/2008
GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
PATENT DOCKET RM. BLDG. K1-4A59
NISKAYUNA, NY 12309

EXAMINER

HANDAL, KAITI V

ART UNIT

PAPER NUMBER

1795

NOTIFICATION DATE

DELIVERY MODE

10/22/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ldocket@crd.ge.com
rosssr@crd.ge.com
parkskl@crd.ge.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/609,102	Applicant(s) BOYAPATI ET AL.	
	Examiner KAITY V. HANDAL	Art Unit 1795	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Alexa D. Neckel/
 Supervisory Patent Examiner, Art Unit 1795

Continuation of 11. does NOT place the application in condition for allowance because: 1. Applicant argues that neither Avery nor Wolf describe or suggest the production of both hydrogen and electrical power. Examiner respectfully disagrees and points out the following:

a. The claim language reads as follows: "...a hydrogen-delivery system in fluid communication with said production system for receiving at least a portion of said hydrogen from said production system; said hydrogen-delivery system further configured to channel at least a portion of said hydrogen to at least one of a power generation system or a hydrogen storage system..."

b. As presented on the Final Office Action mailed on 8/7/2008, Avery reads on the claim language above in that the hydrogen produced in the hydrogen delivery system (Fig. 1, 16) is channeled to at least one of a power generation system (the fuel cell (28)) or a hydrogen storage system (which could be the conduit connecting the production system (16) to the catalytic converter (14)). Since the instant claims read on an apparatus and not on a process and given the broad claim language, whether the hydrogen produced in Avery is reacted further to produce methanol or whether it is delivered in elemental form to a fuel cell is irrelevant in light of the instant claim language presently used to claim the instant apparatus. The fact that Avery uses the hydrogen produced for methanol production which then powers a fuel cell (28) as illustrated, does not differ from having a hydrogen delivery system channel a portion of said hydrogen to a power generation system as in instant claim 22.

c. Applicants assertion that the hydrogen and the electric power are two distinct products which Avery lacks. Examiner respectfully point out that the instant figures illustrated that hydrogen is produced and is then channeled to a fuel cell, not any different from Avery's illustrated invention.

2. Applicant argues that neither Avery nor Wolf describe or suggest intermittent renewable energy source and hence their hypothetical combination cannot suggest this aspect, Applicant also argues that Avery contradicts USP 4,982,569 in regards to the intermittency of OTEC and therefore Examiner cannot use contradicting references. Examiner respectfully disagrees. A translation of the Wolf patent reference is provided in support of the statements presented in the Wolf abstract. However, USP 4,982,569 was used as evidence and not as part of the rejection to support that OTEC is intermittent - (see "Response to Arguments" of Final Office Action mailed 7/12/2008, paragraph 7). Avery as analyzed by applicant does show an intermittency in that it is seasonal. Please note that no specific time period in relation to the intermittency is claimed, Therefore, Avery reads on the instant claims.

/K. V. H./

Examiner, Art Unit 1795 10/16/08